

CHAPTER 481

H.B. No. 1657

AN ACT

relating to the dismantling of a warning signal at a railroad crossing; providing a criminal penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITIONS. In this Act:

- (1) "Department" means the Texas Department of Transportation.
- (2) "Grade crossing" has the meaning assigned by Section 1, Chapter 269, Acts of the 71st Legislature, Regular Session, 1989 (Article 6370b, Vernon's Texas Civil Statutes).
- (3) "Warning signal" means a traffic control device that is activated by the approach or presence of a train, including a flashing light signal, an automatic gate, or a similar device that displays to motorists a warning of the approach or presence of a train.

SECTION 2. DISMANTLING OF WARNING SIGNAL AT GRADE CROSSING. (a) A person may not dismantle a warning signal at a grade crossing on an active rail line, as defined by the department by rule, if the cost of the warning signal was originally paid either entirely or partly from public funds unless the person:

- (1) obtains a permit from the governmental entity that maintains the road or highway that intersects the rail line at the grade crossing; and
 - (2) pays to the governmental entity that maintains the road or highway that intersects the rail line at the grade crossing an amount equal to the present salvage value of the warning signal, as determined by the governmental entity under applicable law.
- (b) The governmental entity shall grant the permit if:
- (1) proper payment is received; and
 - (2) the entity finds that removal of the warning signal will not adversely affect public safety.
- (c) The amounts received under Subsection (a)(2) of this section shall be deposited in a special fund in the state treasury to be known as the railroad crossing warning signal fund, which may be appropriated only to the department for the maintenance and improvement of warning signals at grade crossings.

(d) The provisions of this Act shall not apply to Class I or Class II railroads as defined by Interstate Commerce Commission rules and regulations.

SECTION 3. A person who violates any provision of this Act commits an offense. An offense under this Act is a Class C misdemeanor.

SECTION 4. RULES. The department may adopt any rules necessary to administer this Act.

SECTION 5. EFFECTIVE DATE. This Act takes effect September 1, 1993.

SECTION 6. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 30, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 1657 on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 22, 1993, by a viva-voce vote.

Approved June 9, 1993.

Effective Sept. 1, 1993.